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42     **Attorneys for**  
43     **Plaintiff TROLL BUSTERS©, LLC**

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA  
SAN DIEGO DIVISION**

TROLL BUSTERS® LLC, )  
v. )  
Plaintiff, )  
v. )  
ROCHE DIAGNOSTICS GMBH, )  
ROCHE MOLECULAR SYSTEMS )  
(RMS), ROCHE DIAGNOSTICS CORP. )  
D/B/A ROCHE APPLIED SCIENCES, )  
EUROGENETEC NORTH AMERICA )  
INC., CLONTECH LABORATORIES )  
INC., INTEGRATED DNA )  
TECHNOLOGIES (IDT), LIFE )  
TECHNOLOGIES CORPORATION )  
QIAGEN NV., THERMO FISHER )  
SCIENTIFIC, INC., QUANTA )  
BIOSCIENCES, INC., GENE LINK INC., )  
GENSCRIPT USA INC., EMD )  
CHEMICALS INC., TRILINK )  
BIOTECHNOLOGIES INC., and )  
C.A. No. 3:11-cv-0056-IEG-WVG  
PLAINTIFF'S UNOPPOSED  
MOTION FOR LEAVE TO FILE  
FIRST AMENDED COMPLAINT  
AND MOTION TO EXTEND  
RESPONSE DEADLINE

### ***Defendants.***

1. Plaintiff/Relator, Troll Busters® LLC "Plaintiff") files this Unopposed Motion for Leave to File First Amended Complaint and Motion to Extend Response Deadline (the "Motion")<sup>1</sup> as follows:

## MOTION FOR LEAVE

2. On January 10, 2011, Plaintiff filed its Original Complaint in the above-captioned lawsuit (Dkt. No. 1). On February 7, 2011, Defendant Eurogentech North America Inc.

<sup>1</sup> The Motion is unopposed by all Defendants who have appeared in this matter. As described below, Defendant GenScript USA Inc. ("GenScript") has not appeared or otherwise contacted Plaintiff's counsel; therefore, Plaintiff is not aware of whether GenScript opposes the relief sought herein.

1 ("Eurogentec") filed its Answer to the Original Complaint (Dkt. No. 26). Despite being served with  
 2 process on January 17, 2011 (Dkt. No. 41), GenScript has not appeared in this matter or otherwise  
 3 contacted Plaintiffs' counsel.

4       3. On March 16, 2011, counsel for the Roche Diagnostics GmbH, Roche Molecular  
 5 Systems, Roche Diagnostic Corp. d/b/a Roche Applied Sciences (collectively, the "Roche  
 6 Defendants") sent Plaintiff a letter on behalf of all Defendants other than GenScript (collectively,  
 7 "Defendants"), which requested Plaintiff to withdraw its Original Complaint and indicated that  
 8 Defendants would consider agreeing to allow Plaintiff to file an amended complaint if all other dates  
 9 were similarly extended.<sup>2</sup> In follow-up communications with Defendants, Plaintiff agreed to file an  
 10 amended complaint by April 1, 2011 and agree to reasonable extensions for any Defendant whose  
 11 answer date was imminent to answer or otherwise respond to the original complaint.<sup>3</sup> Plaintiff has  
 12 already agreed to extensions for defendants EMD BioScience, Quanta Biosciences, Inc., Clontech  
 13 Laboratories Inc. and Gene Link, Inc. (Dkt. Nos. 73, 75-77).

14       4. Pursuant to Federal Rule of Civil Procedure 15(a)(1)(B), Plaintiff requests leave to file  
 15 its First Amended Complaint in the form attached hereto as Exhibit 3. Plaintiff has circulated a copy  
 16 of this Motion to Defendants, and Defendants have indicated that they are unopposed to the relief  
 17 sought herein.<sup>4</sup> Further, Plaintiff has agreed to extend the deadline for all Defendants to answer or  
 18 otherwise respond to the First Amended Complaint until thirty (30) days after it is filed.

25       2 See March 16, 2011 Letter from B Cannon to All Counsel of Record, attached hereto as Exhibit 1 and  
 26 incorporated by reference as if fully set forth herein.

27       3 See March 16-22, 2011 E-Mail String, attached hereto as Exhibit 2 and incorporated by reference as if fully set  
 28 forth herein.

4 See April 1, 2011 Letter from R Miller to All Counsel of Record, attached hereto as Exhibit 4 and incorporated  
 by reference as if fully set forth herein.

## **PRAYER FOR RELIEF**

5. Plaintiff requests that the Court, pursuant to Federal Rule of Civil Procedure 15(a)(1)(B), grant Plaintiff leave to file its First Amended Complaint in the form attached hereto as Exhibit 3. Plaintiff further requests that the Court extend the deadline to answer or otherwise respond to the First Amended Complaint until thirty (30) days after the First Amended Complaint is filed. Plaintiff further prays for such other and further relief as is equitable and just.

DATED: April 5, 2011

Respectfully submitted,

By: /s/ *Karl Rupp*

## KARL RUPP

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PLAINTIFF'S UNOPPOSED MOTION FOR LEAVE  
TO FILE FIRST AMENDED COMPLAINT AND  
MOTION TO EXTEND RESPONSE DEADLINE  
C.A. No. 3:11-cv-00056-JEG-WVG

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13 **ATTORNEYS FOR PLAINTIFF TROLL BUSTERS® LLC**

14 **CERTIFICATE OF SERVICE**

15 I hereby certify that I electronically filed the above *First Amended Complaint* in the United States  
16 District Court for the Southern District of California, and that service will be automatically  
17 accomplished through the Notice of Electronic Filing.

18 /s/ Karl Rupp

19 Karl Rupp

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28 PLAINTIFF'S UNOPPOSED MOTION FOR LEAVE  
TO FILE FIRST AMENDED COMPLAINT AND  
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